

REMARKS

Overview

Claims 1-11 and 37 are pending in the present application. Claims 12-36 have been cancelled. Claim 37 is new. The Final Office Action of April 4, 2008 has been carefully reviewed. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Issues Under 35 U.S.C. § 103

Claims 1-2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mack, II et al. U.S. Patent 6,510,325 ("Mack") in view of Shimamura U.S. Patent 7,176,961 ("Shimamura") and Palermo et al. U.S. Patent 5,982,764 ("Palermo"). These rejections are respectfully traversed.

Mack is directed towards a "convertible portable telephone" (Title), and in particular to a portable telephone that unfolds for use as a head set or portable terminal (Col. 1, lines 15-20). As the Examiner recognizes, Mack does not teach a video camera operatively connected to the second body such that in a closed position the video camera faces the user and in the open position the video camera faces away from the user. As the Examiner further recognizes, Mack does not disclose a close range transceiver in at least one of the first body or the second body.

Shimamura is directed a portable electronic device (such as a phone) which has an auxiliary display section operating as a mirror, so that the operator may look at an image of a subject to be photographed (Abstract). The Examiner indicates:

However, Shimamura discloses portable electronic device and portable cellular telephone which teaches the following: a video camera operatively

connected to the second body such that in closed position the video camera faces the user (as shown in fig. 1) and in the open position the video camera faces away from the user (as shown in fig. 2; col. 6 lines 24-34), and Palermo discloses: a close range transceiver (reads on 30, fig. 2) in at least one of the first body or second body (col. 3, line 66-col. 4, line 44)

Thus, it would have been obvious to one of ordinary skill to modify Mack's system to provide for the following: a video camera operatively connected to the second body such that in closed position the video camera faces the user and in the open position the video camera faces away from the user as this arrangement would facilitate to provide camera arrangement suitable for user applications as taught by Shimamura; a close range transceiver in at least one of the first body or second body as this arrangement would facilitate hands-free use for communications as taught by Palermo, thus facilitating user convenience.

This rejection is respectfully traversed. The rejection fails to set forth convincing evidence as obviousness, and instead attempts to rely upon impermissible hindsight. Moreover, the rejection ignores and eviscerates the plain meaning of the claims.

Consider the following language from claim 1: "a video camera operatively connected to the second body such that in the closed position, the video camera faces the user and in the open position the video camera faces away from the user." As the Examiner recognizes, Mack clearly does not disclose such a structure. However, it is also submitted that Shimamura also fails to disclose this limitation as well. As shown in FIG. 3 of Shimamura, a camera lens 22 is present on the back side of the phone. FIG. 2 of Shimamura, in turn shows the front side of the phone. Note that Shimamura has an upper housing 17 and a lower housing 18. Shimamura's camera lens 22 is present on the back side of the upper housing 17. A main display 9 is present on the front side of the upper housing 17. Note also that an operating section 8 made up of various types of operating keys or the like is on the front side of the lower housing 18.

Claim 1 structurally defines the second body to have "a plurality of manual inputs, the first body adapted for attachment to the second body, the personal communications device having

an open position wherein the display of the first body and the manual inputs of the second body are accessibly exposed to face a user, the personal communications device having a closed position wherein the display of the first body is at least partially protected by the second body and the manual inputs of the second body are accessibly exposed to face the user." Thus, this language of claim 1 recites a particular structural arrangement. This particular structural arrangement is advantageous because it allows "video of a user operator to be acquired in a manner conducive to teleconferencing applications" (Specification, paragraph 009).

Thus, Shimamura does not disclose "a video camera operatively connected to the second body such that in the closed position, the video camera faces the user and in the open position the video camera faces away from the user", because Shimamura does not place its video camera on the second body. It is further submitted that Shimamura when taken as a whole, teaches away from the claimed invention, because Shimamura does not disclose a configuration which allows for a user to view the display while taking video of themselves. Instead, Shimamura teaches that one may point a camera at themselves and on the auxiliary display see themselves for purposes of directing the camera. The main display would not be viewable when a person is taking a picture of themselves, the person would see a mirrored display of themselves when taking a picture. Thus, Shimamura clearly teaches away from the claimed invention by different placement of the camera.

Neither Mack, nor Shimamura, nor Palermo alone or in combination teach "a video camera operatively connected to the second body such that in the closed position, the video camera faces the user and in the open position the video camera faces away from the user." Therefore, this rejection to claim 1 must be withdrawn. As claim 2 depends from claim 1, this rejection must also be withdrawn.

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mack in view of Shimamura as applied to claim 1 above, and further in view of Yachi JP 406253296A ("Yachi") and Chihara et al. U.S. Patent 6,714,233 ("Chihara"). The deficiencies of Mack and Shimamura have been discussed. In particular, neither Mack nor Shimamura alone or together teach "a video camera operatively connected to the second body such that in the closed position, the video camera faces the user and in the open position the video camera faces away from the user." Neither Yachi nor Chihara remedy this deficiency. Therefore this rejection to claim 3 must also be withdrawn.

The Examiner relies upon Yachi as disclosing a video telephone set which teaches a first body 11 being removable attachable from a second body. Yet Yachi is not in the context of the claimed "handheld personal communications device." It is further submitted that Yachi discloses a handset, but there is no video camera or display incorporated into its handset. Thus, Yachi, when taken as a whole teaches away from the claimed invention. It is further respectfully submitted that Yachi teaching of a detachable body does not provide for a detachable body in wireless communication. Note, although the location of Yachi's video camera 11 may be moved, it is still attached with cord 12. Thus, it is still attached and without attachment is not operational. Therefore, for all these reasons, this rejection to claim 3 should be withdrawn as well.

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mack in view of Shimamura as applied to claim 1 above, and further in view of Kang U.S. Patent 7,133,691 ("Kang"). These rejections are respectfully traversed. The deficiencies of Mack and Shimamura

have been discussed with respect to claim 1 from which claim 4 depends. Kang does not remedy these deficiencies, and therefore this rejection should also be withdrawn.

Claims 5-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mack in view of Shimamura and Futami JP09-187060 ("Futami"). These rejections are respectfully traversed. The deficiencies of Mack and Shimamura have been discussed with respect to claim 1 from which claims 5-6 depend. Futami does not remedy these deficiencies, and therefore this rejection should also be withdrawn.

Claims 7-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chihara in view of Iijima et al. (JP2001-298516) ("Iijima"). These rejections are respectfully traversed. Claim 7 recites "A method of providing video communications comprising: providing a device comprising a first body having a processor operatively connected to a display, a plurality of buttons, a voice transceiver, and a first close range transceiver and a second body having a video imaging device and operatively connected to a second close range transceiver, the first body removable from said second body; removing the first body from the second body; acquiring a video image with the video imaging device and transmitting the video from the second body to the first body; displaying the video image on the display of the first body."

Chihara is directed towards a mobile video telephone system (title). Chihara discloses that the mobile telephone device transmits the image received from the other party to a wearable radio communication device (i.e. a watch). The Office Action recognizes that "Chihara differs from claim 7 in that he does not specifically teach: the first body is removable from the second body, removing the first body and the second body, and displaying the video image of the display of the first body" (Office Action, p. 8). Chiara's difference in structural configuration teaches away from the claimed invention by using one device with a voice transceiver and a separate

device with a video imaging device and a video display, instead of a single device with a first body removable from a second body. One skilled in the art would simply not combine the watch of Chihara with the phone of Chihara into a single body, as the Office Action suggests because such devices are discretely separate devices with different functions. It is further submitted that Chihara in combination with Iijima teach away from the claimed invention because neither discloses a phone which can be used both for taking pictures in a conventional manner as well as for video conferencing. Chihara's use of two separate devices clearly teaches away from the claimed invention. As such the rejection to claim 7 should be withdrawn. As claims 8-11 depend from claim 7, these rejections should also be withdrawn.

Claims 12-25 and 31-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawamura et al. JP08-321863 ("Kawamura") in view of Palermo. Claims 12-25 and 31-36 have been cancelled, thereby mooting these rejections.

Claims 26 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawamura in view of Palermo as applied to claim 16 above, and further in view of Mack. Claims 26 and 30 have been cancelled, thereby mooting these rejections.

Claims 27-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawamura in view of Palermo as applied to claim 12 above, and further in view of Chihara. Claims 27-29 have been cancelled, thereby mooting these rejections.


New Claim

Claim 37 is new, support being apparent at least from the original claims and figures.

Conclusion

This Amendment accompanies a Request for Continued Examination (RCE). Please charge Deposit Account No. 26-0084 the amount of \$810.00 per the attached RCE Transmittal. Please consider this a request for a two month extension of time and please charge Deposit Account No. 26-0084 the amount of \$460.00. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,



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